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REMARKS

The subject Office Action of 09/08/2004 has been made Final; while at the same time, a new, previously not-recited reference has been applied by the Examiner against the claims, namely US 4,865,742 , Falletti.

In this circumstance, reconsideration of the Finalization of this prosecution is requested, particularly in light of the following Remarks.

Claims 12 and 14 through 19 are now in the case.

Turning first to the Falletti reference (US 4,865,742), this shows in Figure 2 a 19-tube filter element within a hexagonal housing.

Falletti states, at Col 2 lines 16-20: "The object of the present invention is to provide a method of treatment by tangential filtration enabling pollutants to be removed without destroying the emulsion or the microemulsion of oil in water, in other words enabling said emulsion to be regenerated. "

At Col 1 lines 27-33 Falletti's contaminants are defined as metal particles, foreign oils and bacteria. From Figure 1 it is evident that it is the "emulsion or microemulsion" that passes through the tangential filter.

Claim 12 of the present application specifically defines the present apparatus as "Apparatus for retrieving re-usable water from an intimate water/oil -contaminated mixture...."

Clearly, in effect Falletti teaches the opposite to the present invention, and the Falletti apparatus could not, by any stretch of the imagination, be used for the purpose of the present invention, which is to retrieve water from an oily water mix, such as that of

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Falletti's emulsion or micro-emulsion.

Furthermore, the teachings of Falletti do not anticipate the teaching of the present invention, nor lead one skilled in the art towards the present invention.

The language of the rejected Claim 12 said in-part (at line 8) "said housing surrounding said filter module to provide a limited collector space of substantially minimal volume for permeate collection, and to receive a predetermined limited quantity of chemical cleaning solution in back-filling relation with said limited space.."

Comparing the Falletti collection space with that of the present invention, based upon the dimensions of Falletti's Figure 2, the effective interior cross-sectional area of the unit 1 is 15.18 sq cms; that of the filters is 7.31 sq cms, giving the area for permeate collection as 7.87 sq cms. Which is 51.8 % of the area of the unit.

In the case of the subject unit, the inner diameter of the pipe is 46.48 mm; the OD of the single ceramic filter unit is 41mm, giving a tube cross sectional free area of 1686.8 sq mm, and a filter cross sectional area of 1320.25 sq mm. With the permeate collection area thus being 22% of the interior area of the pipe.

Thus, for units of comparable size, the permeate collection area of the present invention is 42% of the Falletti collection area.

It is this minimalized permeate collection area which makes effective the chemical backwashing of the subject filter. It is the capability of maintaining high filtration rates by way of backwashing on demand that enables high annual throughput of the unit. This, in turn, is made possible by the claimed "limited collector space of substantially minimum volume.."

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The phrase "in the form of a double pipe", which occurred in discussion with the examiner has been introduced into Claim 12 with a view to better distinguishing over the Falletti reference. It is respectfully submitted that no new subject matter has been added.

It is respectfully submitted that the language of Claim 12, as previously amended, clearly distinguished over the multiple unit of Falletti, thereby rendering the citation somewhat redundant. However, the claim is now further restricted for purposes of clarity.

The Examiner is cordially thanked for the phone interview afforded to Applicants agent.

Consideration of the amended claims with a view to their allowance is requested.

Respectfully submitted,

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